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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,088	01/27/2004	Louis J. Lundell	CS23263RL	2202
20280 7590 03/30/2007 MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			EXAMINER HAQ, MOHAMMAD AAMIR	
			ART UNIT	PAPER NUMBER
			2614	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/30/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,088	<b>Applicant(s)</b> LUNDELL ET AL.	
	<b>Examiner</b> Aamir Haq	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 9, 12-14, 16, 17, 19, 21, 23, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) 2, 3, 13, 14, 16, 17, 19, 21 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6, 9, 12, 23 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to applicant's amendment filed on 1/22/2007. Claims 1-3, 5, 6, 9, 12-14, 16, 17, 19, 21, 23, 25, and 26 are pending in the present application. Claims 2, 3, 13, 14, 16, 17, 19, 21 and 25 are withdrawn from consideration.

### ***Claim Objections***

2. Claim 13 is improper because it is improper to amend a claim that has been withdrawn from consideration. Additionally, the status of the claim is incorrect. The status "withdrawn – currently amended" is improper. Applicant must introduce the claim as a new claim if the applicant wants the claim to be considered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The metes and bound of "substantially directly" are not defined. Clarification or correction is required. All subsequent recitations of "substantially directly" are also rejected.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1, 5, 23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,254,249 (Kim et al.) hereinafter "Kim" in view of US 6,950,686 (Won).

**As to claims 1 and 23**, Kim teaches a mobile communication device, comprising:

- a first housing (see fig. 1 – 3 of Kim). Note that the first housing is interpreted as the housing with the keypad (20 in fig. 3 of Kim);
- a hinge coupled to the first housing (18 in fig. 3 of Kim);
- a second housing coupled to the hinge (12 in fig. 3 of Kim);
- a mobile communication device numeric keypad (20 in fig. 3 of Kim) coupled to the first housing, the mobile communication device numeric keypad having an external visible portion (see fig. 3 of Kim);
- a light source (19 in fig. 3 and fig. 7 of Kim), connected to the second housing, the light source (18) configured to direct light substantially directly (see fig. 7 of Kim) at the external visible portion of the mobile communication device numeric keypad (20) to illuminate the mobile communication device numeric keypad.

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- wherein the mobile communication device further comprises,
- a first housing (see fig. 1 – 3 of Kim). Note that the first housing is interpreted as the housing with the keypad (20 in fig. 3 of Kim);
- a hinge coupled to the first housing (18 in fig. 3 of Kim);
- a second housing coupled to the hinge (12 in fig. 3 of Kim);
- wherein the mobile communication device numeric keypad (20 of Kim) is coupled to the first housing;

As shown in figures 3 and 7, Kim discloses a light source provided in the center region of the hinge to direct light at the keypad (col. 4 lines 27 – 31 of Kim). Kim does not disclose that the light source is coupled to the “hinge section” to expose the light source external to mobile device when the device is closed.

However, Kim teaches, “it should be noted that the present invention is not limited thereto but various changes and modifications can be embodied to include at least one lamp” (col. 2 lines 41 – 43 of Kim). Thus, it was contemplated at the time of invention that modifications could be made as long as they include “at least one lamp” and do not depart from the scope of the invention. An obvious change or modification to one of ordinary skill in the art at the time of the invention would have been to use the invention of Kim in various different style, type, brand, shape, and configuration mobile phones (without departing from the scope of the invention). For example, it would have been obvious to one of ordinary skill in the art that the cellular phone with lamps design of Kim could be applied to the commonly used mobile phone design of Won.

Won teaches a notoriously old and well-known clamshell configuration in which the hinge is integrated or molded into the housing (see fig. 1 of Won). The configuration of Won includes the claimed "hinge section coupled to the first housing including a pivot housing" (see 3 in fig. 3 of Won). Moreover, the configuration of Won includes the claimed "second housing including a second housing hinge section" (see 7 in fig. 1 of Won).

When the invention of Kim is used in the old and well-known clamshell configuration of Won, the light source (19 in fig. 3 of Kim) would be centrally positioned in the "second housing hinge section" (see 7 in fig. 1 of Won). Thus, when the mobile device was in an open state, the light source would direct light "substantially directly" at the keypad (see fig. 7 of Kim). Furthermore, when the mobile device was in a closed state, the light source would inevitably "expose the light source external to the mobile communication device," as claimed by the applicant.

In conclusion, the idea of using a light source to direct light at the keypad (see fig. 7 of Kim) was expressly contemplated by Kim. Moreover, the idea of using the light source to expose light external to the mobile device was expressly contemplated by Kim (see fig. 6 of Kim). Lastly, the idea of changing or modifying the invention (i.e. to conform to other mobile phone designs) was contemplated by Kim. Thus, Kim expressly contemplated and disclosed both configurations claimed by the applicant and that the design could be modified to conform to other mobile phone designs. When conformed to the old and well known clamshell configuration of Won, the result is a light

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source that directs light at the keypad when the mobile device is open and directs light external to the device when the mobile device is closed.

**As to claims 5 and 26**, Kim teaches a display (50 in fig. 3 of Kim) coupled to the second housing and a speaker (40 in fig. 3 of Kim) coupled to the second housing.

5. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,254,249 (Kim et al.) in view of US 6,950,686 (Won) further in view of US 2002/0177467 (Hsu).

**As to claims 6 and 12**, Kim and Won have been discussed above. Kim and Won do not disclose expressly that the light source is one of an incandescent light source and a light emitting diode light source (LED) or a laser pointer. However, Hsu discloses that a light source within a mobile device may be a bulb, LED, laser beam emitter or other suitable device (Abstract, ¶0003, 0013 of Hsu).

Kim, Won and Hsu are analogous art because they are directed toward the same problem solving area, namely mobile devices. At the time of the invention it would have been obvious to a person ordinary skill in the art to use an incandescent light, LED or laser beam in view of the teachings of Hsu in the mobile communication device of Kim. The motivation for doing so would have been because Kim uses a plurality of "illuminating devices" (14-1, 14-2, 14-3, 14-4, 15 and 19 in figs. 1 – 3). It would have been obvious to use LEDs or incandescent as the illuminating devices since these are the notoriously old and well known light sources. A laser beam would enable a user to use the phone as a pointer (¶0003, 0013, 0014 of Hsu). The configuration of Kim would

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be perfect for laser beam pointer as shown in fig. 6 of Kim. Therefore, it would have been obvious to combine Hsu with Kim and Won to obtain the invention as specified in claims 6 and 12.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,254,249 (Kim et al.) in view of US 6,950,686 (Won) further in view of US 2003/0107554 (Motegi).

**As to claim 9**, Kim and Won have been discussed above. Kim and Won do not disclose expressly that the keypad comprises an opaque numeric keypad. However, Motegi discloses an opaque numeric keypad (¶0030 of Motegi).

Motegi, Kim and Won are analogous art because they are from the same filed of endeavor, namely input devices. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use an opaque numeric keypad in view of the teachings of Motegi. The motivation for doing so would have been because Kim had to use either a transparent, translucent or opaque keypad. All three types are notoriously old and well known in the art. Almost all ordinary home/mobile phones and many other mobile devices use opaque keypads. It would have been design choice as to which type of keypad is better suited for the design of the mobile device. Therefore, it would have been obvious to use opaque keypads to obtain the invention as specified in claim 9.



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***Response to Arguments***

7. Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aamir Haq whose telephone number is 571-272-5511.

The examiner can normally be reached on Mon thru Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



A.H.  
March 22, 2007



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